

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN D. WILSON,

Plaintiff,

v.

AVERTEST, *et al.*,

Defendants.

NO. 3:15-CV-01813

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SAPORITO)

ORDER

NOW, this 17th day of November, 2016, upon review of the Report and Recommendation of Magistrate Judge Saporito (Doc. 23) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 23) is **ADOPTED in its entirety**.
- (2) The amended Complaint (Doc. 22) is **DISMISSED with prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
- (3) Defendants' Motion to Dismiss (Doc. 24) is **DENIED as moot**.
- (4) The Clerk of Court is directed to mark the case as **CLOSED**.



A. Richard Caputo
United States District Judge